

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MISTI LEON, as personal representative of the  
ESTATE OF JULIANA LEON, a deceased  
individual,

Plaintiff,

v.

EXXON MOBIL CORPORATION;  
EXXONMOBIL OIL CORPORATION; BP  
P.L.C.; BP AMERICA INC.; OLYMPIC PIPE  
LINE COMPANY LLC; CHEVRON  
CORPORATION; CHEVRON U.S.A. INC.;  
SHELL PLC; SHELL U.S.A., INC.;  
CONOCOPHILLIPS; CONOCOPHILLIPS  
COMPANY; PHILLIPS 66; and PHILLIPS 66  
COMPANY,

Defendants.

Case No. 2:25-cv-01190-MJP

STIPULATED MOTION AND  
~~PROPOSED~~ ORDER REGARDING  
BRIEFING SCHEDULE

Noted for Hearing: July 1, 2025

Plaintiff Misti Leon, as personal representative of the estate of Juliana Leon, together with Defendants Exxon Mobil Corporation, ExxonMobil Oil Corporation, BP p.l.c., BP America Inc., Olympic Pipe Line Company LLC, Chevron Corporation, Chevron U.S.A. Inc., Shell PLC, Shell U.S.A., Inc., ConocoPhillips, ConocoPhillips Company, Phillips 66, and Phillips 66 Company (collectively, “Defendants” (Plaintiff and Defendants are collectively referred to herein as “the Parties”)) stipulate as follows and jointly move the Court to set the schedule specified in this stipulated motion for briefing of Plaintiff’s anticipated Motion to Remand and Defendants’ anticipated Motions to Dismiss.

1. On May 28, 2025, Plaintiff filed a complaint against Defendants in King County Superior Court, Case No. 25-2-15986-8 SEA (the “Complaint”).

2. On June 25, 2025, Defendants Chevron Corporation and Chevron U.S.A. Inc., with the consent of all properly named and served Defendants, timely removed this action from the Superior Court to this Court.

3. July 2, 2025, is certain Defendants’ current deadline to respond to the Complaint. See Fed. R. Civ. P. 81(c)(2)(C).

4. Plaintiff intends to file a Motion to Remand, which Defendants intend to oppose.

5. If the Court denies the Motion to Remand, Defendants also intend to file threshold motions including, but not limited to, Motions to Dismiss under Federal Rule of Civil Procedure 12(b)(6). Certain Defendants also intend to file motions to dismiss under Federal Rules of Civil Procedure 12(b)(2), 12(b)(4), or 12(b)(5) instead of answering the Complaint (collectively, “Motions to Dismiss”).<sup>1</sup>

6. To advance the interests of efficiency and judicial economy, the Parties propose that Defendants file their Motions to Dismiss the Complaint after Plaintiff files her Motion to Remand and the Court resolves that motion.

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<sup>1</sup> The Parties do not intend for this stipulated motion to operate as an admission of any factual allegation or legal conclusion and it is submitted subject to and without waiver of any right, defense, affirmative defense, claim, or objection, including lack of subject matter jurisdiction, or lack of personal jurisdiction, insufficient process, or insufficient service of process.

7. The Parties have therefore negotiated, and move the Court to set, the following briefing schedule:

- a. Plaintiff's Motion to Remand must be filed by July 25, 2025. Defendants' oppositions must be filed by August 26, 2025. Any reply must be filed by September 9, 2025.
- b. No Defendant must file an Answer or Motion to Dismiss or otherwise respond to the Complaint before the Court's order on Plaintiff's Motion to Remand.
- c. If the Court denies Plaintiff's Motion to Remand, Defendants will file their Motions to Dismiss within 45 days of the Court's order denying Plaintiff's Motion to Remand. The Parties will also promptly meet and confer regarding an appropriate briefing schedule and plan for oppositions and replies and word limits for briefing on the Motions to Dismiss and will use their best efforts to jointly submit a proposal to the Court within 14 days of the Court's order denying Plaintiff's Motion to Remand. If the Parties cannot agree on a proposed briefing schedule, they will submit separate proposals to the Court.
- d. If the Court denies Defendants' Motions to Dismiss, Defendants' answers shall be due within 45 days of the Court's denial of the last of the motions or the filing of any amended complaint permitted by the Court.
- e. If the Court grants Plaintiff's Motion to Remand, the Parties agree to make a joint submission to the Superior Court requesting the following schedule: Defendants will file any Motions to Dismiss within 45 days of the action being remanded to the Superior Court, and the Parties will promptly meet and confer and try to propose a full briefing schedule and plan for those motions within 14 days of the remand order's taking effect.
- f. No presently unserved Defendant must file an Answer or Motion to Dismiss or otherwise respond to the Complaint before the deadlines specified herein for any served Defendant.

- g. Defendants reserve the right to seek a further extension of time to respond to the Complaint and the Parties reserve the right to request that the Court stay proceedings.
- h. The deadline to serve Rule 26(a) Initial Disclosures and the issuance of a Rule 16(b) Scheduling Order shall be stayed until no fewer than 30 days after the Court has ruled on Plaintiff's Motion to Remand.
- i. Defendants do not, by agreeing to these procedures to have the Court consider and adjudicate the Motion to Remand before any other proceedings, waive their objections to personal jurisdiction, insufficient process, or insufficient service of process. Plaintiff agrees that she will not assert in federal or state court that there has been any waiver of personal jurisdiction because of the Parties' agreement to have the Court consider and adjudicate the Motion to Remand before the filing of Motions to Dismiss.

8. The Parties recognize that the Court may not be able to enter an order reflecting the stipulated briefing schedule above before Defendants' current deadline to respond to the Complaint, and the Parties thus agree to abide by the terms of this stipulated motion if the Court cannot act before that time.

9. Thus, the Parties jointly ask the Court to grant this stipulated motion.

Counsel certifies that this memorandum contains 860 words, in compliance with the Local Civil Rules.

1 DATED: July 1, 2025

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~~PROPOSED~~ ORDER

Pursuant to the Parties' stipulated motion, IT IS SO ORDERED.

Dated: July 3, 2025



Marsha J. Pechman  
United States Senior District Judge